

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

MCF AF, LLC

PLAINTIFF

V.

CIVIL ACTION NO. 3:13-CV-00621-DPJ-FKB

**EDUARDO A. FLECHAS,
FLECHAS & ASSOCIATES, P.A.,
THE FLECHAS LAW FIRM, PLLC**

DEFENDANTS/COUNTER-PLAINTIFFS

MCS CAPITAL, LLC

PLAINTIFF IN INTERVENTION

V.

**EDUARDO A. FLECHAS,
FLECHAS & ASSOCIATES, P.A.,
DANNY CUPIT, BOBBY MOAK,
WAG LLC, RCM/CMG PORTFOLIO
HOLDING, LLC as assignee of
CAMBRIDGE MANAGEMENT
GROUP, LLC**

DEFENDANTS IN INTERVENTION

CONSOLIDATED WITH

**RMC/CMG PORTFOLIO HOLDING, LLC
as assignee of CAMBRIDGE MANAGEMENT GROUP, LLC**

PLAINTIFF

V.

CIVIL ACTION NO. 3:13CV636-CWR-FKB

**EDUARDO FLECHAS, FLECHAS & ASSOCIATES, P.A.,
DAVION NORTON, PETRA CHESS
and KEN'DRIANA GIBBS**

DEFENDANTS

MOTION FOR ATTORNEYS' FEES

COMES NOW, MCS Capital, LLC ("MCS"), Plaintiff in Intervention herein, and counsel for MCS, and files this Motion for Attorneys' Fees (the "Motion") for the prosecution of the

contempt motions pursuant to the Agreed Judgment of Contempt entered by this Court on October 19, 2015. In support of this Motion, MCS would show the following:

1. On September 25, 2015, Eduardo Flechas submitted an affidavit in which he admitted to taking \$390,000 out of the account of Flechas Family Holdings, LLC account, which had been frozen by this Court's order dated October 15, 2013, and putting it into the Flechas Law Firm, PLLC which then further spent the money.

2. On October 1, 2015, MCS filed a Motion for Citation of Contempt [Ct. Dkt. # 129] based on the disclosures in the Affidavit of Eduardo Flechas.

3. During the time period between September 25, 2015, and October 20, 2015, when the entered Agreed Judgment of Contempt was sent to the parties via CM-ECF and the Agreed Orders Granting Involuntary Petitions and for Relief were entered in the bankruptcy court, MCS incurred attorney fees in the prosecution of the Motion for Citation of Contempt and associated issues. An itemization of the timesheets of Luke Dove, Laura Glaze, and Michelle Brister are attached hereto as Exhibit A.¹

4. Based on the lodestar method and the *Johnson* factors, MCS and counsel for MCS believes that the attorneys' fees and actual and necessary expenses in the amount of \$11,070.60 are reasonable and appropriate for prosecuting the Motion for Citation of Contempt and related issues.

¹ Pursuant to paragraph 12 of the Agreed Judgment of Contempt, this Court appears to have already determined that an award of attorney fees is warranted under the circumstances, so undersigned counsel will not discuss herein the law (29 U.S.C. § 1132(g); *Hardt v. Reliance Standard Life Ins. Co.*, 560 U.S., 242, 254 (2010); *1 Lincoln Fin. Co. v. Metro Life Ins. Co.*, 428 F. App'x 394, 396 (5th Cir. 2011) governing whether fees are warranted except to state that MCS's Motion for Citation of Contempt achieved more than "trivial success."

WHEREFORE, PREMISES CONSIDERED, MCS Capital LLC and counsel for MCS requests that the Honorable Court enter an order adjudicating that the attorney fees and expenses in the amount of \$11,070.60 are reasonable and appropriate under the circumstances and that Eduardo Flechas and the other Flechas Defendants must remit that same sum to MCS Capital, LLC by a date certain determined by the Court.

This the 29th day of October, 2015.

Respectfully Submitted,

MCS CAPITAL, LLC, Plaintiff

By: /s/ Laura M. Glaze
Laura M. Glaze

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CERTIFICATE OF SERVICE

I, Luke Dove, do hereby certify that on this date I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to all counsel of record.

This the 29th day of October, 2015.

/s/ *Laura M. Glaze*
Laura M. Glaze